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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,192	07/28/1999	SHUNPEI YAMAZAKI	0756-2011	6547

31780 7590 03/01/2004

ERIC ROBINSON  
PMB 955  
21010 SOUTHBANK ST.  
POTOMAC FALLS, VA 20165

EXAMINER

GHYKA, ALEXANDER G

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 03/01/2004

MAILED - 3 2004

104  
3/5/04

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/362,192

Applicant(s)

YAMAZAKI ET AL

Examiner

Alexander G. Ghyka

Art Unit

2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-50, 52-54, 56-58, 60-62, 64, 65 and 67-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-50, 52-54, 56-58, 60-62, 64, 65 and 67-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

ALEXANDER GHYKA  
PRIMARY EXAMINER

AV 2812  
*Alex Ghyka*

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### DETAILED ACTION

The Request for Continued Examination transmittal has been entered.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 45, 47, 60, 62 and 67-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka ('819) in view of Makita et al.

Miyasaka teaches the method for manufacturing a semiconductor device comprising the steps of: subjecting the semiconductor film to oxygen plasma, thereby forming a silicon oxide film on said semiconducting film; crystallizing said

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semiconducting film to obtain a crystalline semiconducting film. See column 24, lines 37-56.

Miyasaka differs from the presently claimed invention in that it does not disclose the step of contacting a material for promoting crystallization to at least part of the semiconducting film formed over the substrate.

Makita et al disclose introducing a metal catalyst into a film to promote crystallization. With regard to claim 47, the crystallization is done in a solid state. With regard to claims 67-72, Makita et al teach the use of Ni, Co, Pd, Pt, Cu, Ag, Au, In Sb, Sn and Al as appropriate catalysts for crystallization. See column 24, line 21.

It would have been obvious to one of ordinary skill in the art, at the time of the invention to combine the step of using a catalyst with the step of using oxygen plasma, as the use of two steps, each of which enhances crystallization, together, would further improve the overall level of crystallization. The combination of two known steps to enhance crystallization, for the benefit of enhanced crystallization is *prima facie* obvious.

Claims 46, 49-50, 52-54, 56-58, 61, 64-65 are rejected under 35 U.S.C 103(a) as being unpatentable over Miyasaka ('819) et al in view of Makita et al as applied to claim 45 above, and further in view of Miyasaka ('526).

While Miyasaka et al ('819) do not teach the step of crystallizing the semiconductor film with a laser light, such a step is taught by Miyasaka et al as known in the art ('526). With regard to claim 49, Miyasaka et al teach the use of helium in

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column 6, line 64. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a laser to enhance crystallization, as lasers are known in the art to promote crystallization. The use of a known process, laser, for its known benefit, enhancing crystallization, is *prima facie* obvious.

### ***Response to Argument***

In response to applicant's argument that Applicants invention has another advantage, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). A *prima facie* case has been established as there is motivation in the prior art to combine the references for the benefit of enhanced crystallization. Any timely submitted Declaration under Rule 132 will be considered.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander G. Ghyka whose telephone number is (571) 272-1669. The examiner can normally be reached on Monday through Thursday during regular business hours.

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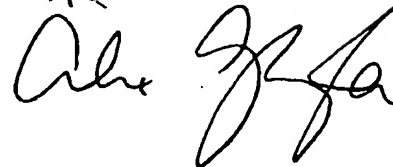
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John F Niebling can be reached on (571) 272-1669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AGG

February 9, 2004

ALEXANDER GHYKA  
PRIMARY EXAMINERAr 2812  


**Notice of References Cited**

Application/Control No.

09/362,192

Applicant(s)/Patent Under  
Reexamination  
YAMAZAKI ET AL.

Examiner

Alexander G. Ghyka

Art Unit

2812

Page 1 of 1

**U.S. PATENT DOCUMENTS**

	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,066,516	05-2000	Miyasaka, Mitsutoshi	438/149
B	US-5,858,819	01-1999	Miyasaka, Mitsutoshi	438/149
C	US-5,851,860	12-1998	Makita et al.	438/166
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

**FOREIGN PATENT DOCUMENTS**

	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

**NON-PATENT DOCUMENTS**

	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	
V	
W	
X	

copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

*Alex Ghyka* 2/9/04



NOV 26 2003

Approved for use through 10/31/2002. OMB 0651-0031

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**REMARKS** *Complete if Known*

U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

**Examiner  
Signature**

**Date**  
**Considered**

2/09/04

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Image 2824 #

PTO/SB/21 (08-00)

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/091,338
	Filing Date	March 6, 2002
	First Named Inventor	Toru MITSUKI et al.
	Group Art Unit	2824
	Examiner Name	B. Smith
Total Number of Pages in This Submission	Attorney Docket Number	0756-2448

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosures 1. 2. 3. 4. 5. 6.
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric J. Robinson, Reg. No. 38,285 Robinson Intellectual Property Law Office, P.C. PMB 955 21010 Southbank Street Potomac Falls, VA 20165
Signature	
Date	March 17, 2004

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.			
Type or printed name	Eric Robinson		
Signature		Date	March 17, 2004

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